

Daily Digest

HIGHLIGHTS

Senate agreed to the Conference Report on H.R. 1588, National Defense Authorization Act, and the Conference Report on H.R. 2559, Military Construction Appropriations Act, clearing both measures for the President.

Senate (Not Final)

Chamber Action

Routine Proceedings, pages S14463–S14546

Measures Introduced: Six bills were introduced, as follows: S. 1850–1855. (See next issue.)

Measures Reported:

Special Report entitled “Further Revised Allocation to Subcommittees of Budget Totals for Fiscal Year 2004”. (S. Rept. No. 108–195) (See next issue.)

Measures Passed:

Basic Pilot Program Extension and Expansion Act: Senate passed S. 1685, to extend and expand the basic pilot program for employment eligibility verification, after agreeing to the committee amendment in the nature of a substitute, and the following amendment proposed thereto: **Pages S14504–06**

Bond (for Leahy/Brownback) Amendment No. 2170, to extend the duration of the immigrant investor regional center pilot program for 5 additional years. **Pages S14505–06**

VA–HUD Appropriations Act: Senate continued consideration of H.R. 2861, making appropriations for the Departments of Veterans Affairs and Housing and Urban Development, and for sundry independent agencies, boards, commissions, corporations, and offices for the fiscal year ending September 30, 2004, taking action on the following amendments proposed thereto:

Pages S14464–81, S14496–S14504, S14506–28

Adopted:

Craig (for Bond) Amendment No. 2156 (to Amendment No. 2150), to clarify the current exemption for certain nonroad agriculture and construction engines or vehicles that are smaller than 50 horsepower from an air emission regulation by California and require EPA to develop a national standard. **Pages S14477–81, S14496**

Craig Modified Amendment No. 2158 (to Amendment No. 2150), to provide for the enhanced review of covered pesticide products, to authorize fees for certain pesticide products, and to extend and improve the collection of maintenance fees. **Page S14496**

Bond Amendment No. 2167 (to Amendment No. 2150), to remove the emergency designation on VA medical care. **Page S14496**

Lautenberg Amendment No. 2171 (to Amendment No. 2150), to maintain enforcement personnel for the Environmental Protection Agency at the fiscal year 2003 level. **Pages S14506–07**

Bond (for Graham (SC)/Hollings) Amendment No. 2172 (to Amendment No. 2150), to authorize the Secretary of Veterans Affairs to enter into an enhanced-use lease at the Charleston Department of Veterans Affairs Medical Center, Charleston, South Carolina. **Page S14507**

Bond (for Mikulski/Bond) Amendment No. 2173 (to Amendment No. 2150), to require notice and comment rulemaking, and prohibit disclosure of selection information, by the Corporation for National and Community Service. **Page S14507**

Bond Amendment No. 2174 (to Amendment No. 2150), to increase funds for the Office of Federal Housing Enterprise Oversight to conduct audits, investigations and examinations and to provide for additional emergency funds. **Pages S14510–11**

Bond (for Stevens) Amendment No. 2175 (to Amendment No. 2150), to provide an allocation of funding under the Native American Housing Assistance and Self-Determination Act of 1996 for the State of Alaska. **Page S14511**

Bond (for Durbin/Fitzgerald) Amendment No. 2176 (to Amendment No. 2150), to insert a provision relating to VA–Navy sharing of facilities at the North Chicago VA Medical Center. **Pages S14511–12**

Bond (for Murkowski) Amendment No. 2177 (to Amendment No. 2150), to provide housing for teachers, administrators, and other school staff in remote areas of Alaska since such housing is often extremely substandard, if it is even available at all, and rural school districts in Alaska are facing increased challenges, including meeting the mandates of the No Child Left Behind Act, and in recruiting and retaining employees due to a lack of housing units.

Page S14512

Bond Amendment No. 2180 (to Amendment No. 2150), to require HUD to make any changes to the operating fund formula by negotiated rulemaking.

Pages S14518, S14520–24

Bond (for Murkowski) Amendment No. 2181 (to Amendment No. 2150), to provide for the treatment of the Pioneer Homes in Alaska as a State home for veterans.

Pages S14520–24

Bond (for Dorgan) Amendment No. 2182 (to Amendment No. 2150), to express the sense of the Senate on the access to primary health care of veterans living in rural and highly rural areas.

Pages S14520–24

Bond (for Sarbanes) Amendment No. 2183 (to Amendment No. 2150), to express the sense of the Senate that housing vouchers are a critical resource and that the Department of Housing and Urban Development should ensure that all vouchers can be used by low-income families.

Pages S14520–24

Bond (for Clinton) Amendment No. 2184 (to Amendment No. 2150), to provide VISTA volunteers the option of receiving a national service educational award.

Pages S14520–24

Bond (for Landrieu) Amendment No. 2151 (to Amendment No. 2150), to increase the amount of funds that may be used by States for technical assistance and administrative costs under the community development block grant program.

Pages S14520–24

Bond (for Levin) Amendment No. 2185 (to Amendment No. 2150), to authorize appropriations for sewer overflow control grants.

Pages S14520–24

Bond (for Boxer) Amendment No. 2186 (to Amendment No. 2150), to express the sense of the Senate that human dosing studies of pesticides raises ethical and health questions.

Pages S14520–24

Withdrawn:

Dorgan Amendment No. 2159 (to Amendment No. 2158), to permit the Administrator of the Environmental Protection Agency to register a Canadian pesticide.

Pages S14478–79

Pending:

Bond/Mikulski Amendment No. 2150, in the nature of a substitute.

Pages S14464–81, S14496–S14504, S14506–28

Clinton Amendment No. 2152 (to Amendment No. 2150), to permit the use of funds for the Cap-

ital Asset Realignment for Enhanced Services (CARES) initiative of the Department of Veterans Affairs for purposes of enhanced services while limiting the use of funds for the initiative for purposes of the closure or reduction of services pending a modification of the initiative to take into account long-term care, domiciliary care, and mental health services and other matters.

Pages S14496–S14504, S14508–10

During consideration of this measure today, Senate also took the following action:

By 44 yeas to 49 nays (Vote No. 449), three-fifths of those Senators duly chosen and sworn, not having voted in the affirmative, Senate rejected the motion to waive section 502(c)(5) of H. Con. Res. 95, Congressional Budget Resolution, with respect to the emergency designation provision in Mikulski Amendment No. 2178 (to Amendment No. 2150), to provide for certain capitalization grants. Subsequently, a point of order that the emergency designation provision would violate section 502(c)(5) of H. Con. Res. 95 was sustained and the provision was stricken. Also, the Chair sustained a point order that the amendment would exceed the subcommittee's 302(b) allocation and the amendment thus falls.

Pages S14512–18

National Defense Authorization Act—Conference Report: By 95 yeas to 3 nays (Vote No. 447), Senate agreed to the conference report on H.R. 1588, to authorize appropriations for fiscal year 2004 for military activities of the Department of Defense, for military construction, and for defense activities of the Department of Energy, and to prescribe personnel strengths for such fiscal year for the Armed Forces, clearing the measure for the President.

Pages S14481–94

Military Construction Appropriations—Conference Report: By a unanimous vote of 98 yeas (Vote No. 448), Senate agreed to the conference report on H.R. 2559, making appropriations for military construction, family housing, and base realignment and closure for the Department of Defense for the fiscal year ending September 30, 2004, clearing the measure for the President.

Pages S14494–96

Nomination Considered: Senate resumed consideration of the nomination of Priscilla Richman Owen, of Texas, to be United States Circuit Judge for the Fifth Circuit.

Pages S14531–32 (continued next issue)

A fourth motion was entered to close further debate on the nomination and, in accordance with the provisions of Rule XXII of the Standing Rules of the Senate, a vote on cloture will occur on Friday, November 14, 2003.

Pages S14531–32

Nomination Considered: Senate resumed consideration of the nomination of Carolyn B. Kuhl, of California, to be United States Circuit Judge for the Ninth Circuit. **Page S14532 (continued next issue)**

A second motion was entered to close further debate on the nomination and, in accordance with the provisions of Rule XXII of the Standing Rules of the Senate, a vote on cloture will occur on Friday, November 14, 2003. **Page S14532**

Nomination Considered: Senate began consideration of the nomination of Janice R. Brown, of California, to be United States Circuit Judge for the District of Columbia Circuit.

Page S14532 (continued next issue)

A motion was entered to close further debate on the nomination and, in accordance with the provisions of Rule XXII of the Standing Rules of the Senate, a vote on cloture will occur on Friday, November 14, 2003. **Page S14532**

Point of Order Raised: During Executive Session, Senator Gregg raised a point of order that a sign displayed on the minority side of the aisle violated provisions of Rule XVII of the Rules for Regulation of the Senate Wing of the United States Capitol and Senate Office Buildings. **(See next Issue.)**

Messages From the President: Senate received the following message from the President of the United States:

Transmitting, pursuant to law, a periodic report relative to the national emergency with respect to Iran which was declared in Executive Order No. 12170; to the Committee on Banking, Housing, and Urban Affairs. (PM-56) **(See next Issue.)**

Messages From the House: **(See next Issue.)**

Enrolled Bills Presented: **(See next Issue.)**

Executive Communications: **(See next Issue.)**

Executive Reports of Committees: **(See next Issue.)**

Additional Cosponsors: **(See next Issue.)**

Statements on Introduced Bills/Resolutions: **(See next Issue.)**

Additional Statements: **(See next Issue.)**

Amendments Submitted: **(See next Issue.)**

Notices of Hearings/Meetings: **(See next Issue.)**

Authority for Committees to Meet: **(See next Issue.)**

Privilege of the Floor: **(See next Issue.)**

Record Votes: Three record votes were taken today. (Total—449) **Pages S14493–94, S14495–96, S14518**

Adjournment: Senate met at 9:30 a.m., and continued in evening session.

Committee Meetings

(Committees not listed did not meet)

ONGOING MILITARY OPERATIONS

Committee on Armed Services: Committee met in closed session to receive a briefing to examine ongoing military operations and areas of key concern around the world from Lieutenant General Norton A. Schwartz, USAF, Director for Operations, J-3, and Major General Ronald L. Burgess, Jr., USA, Director for Intelligence, J-2, both of the Joint Staff; William J. Luti, Deputy Assistant Secretary of Defense for Near East and South Asian Affairs; and Ruben Jeffrey, Representative and Executive Director of the Coalition Provisional Authority.

FINANCIAL ACCOUNTING STANDARDS BOARD

Committee on Banking, Housing, and Urban Affairs: Subcommittee on Securities and Investment concluded a hearing on the Financial Accounting Standards Board and small business growth, focusing on establishing and improving general-purpose standards of financial accounting and reporting for both public and private enterprises, after receiving testimony from Senator Ensign; Robert H. Herz, Financial Accounting Standards Board, Norwalk, Connecticut; Peter A. Salg, QSC Restaurants, Inc., Fort Collins, Colorado, on behalf of the International Franchise Association; James K. Glassman, American Enterprise Institute, and Jeannine Kenney, National Cooperative Business Association, both of Washington, D.C.; Richard E. Forrestel, Jr., Cold Spring Construction Company, Akron, New York, on behalf of the Associated General Contractors of America; Walter K. Moore, Genentech, Inc., San Francisco, California; and Mark Heesen, National Venture Capital Association, Arlington, Virginia.

TOBACCO SETTLEMENT FUNDS

Committee on Commerce, Science, and Transportation: Committee concluded a hearing to examine State use of tobacco settlement funds, focusing on the growing number of non-participating tobacco manufacturers, the prevention and control of tobacco use, and cigarette taxes, after receiving testimony from Delaware State Representative Deborah Hudson, Dover, on behalf of the National Conference of State Legislatures; Mississippi Attorney General Mike Moore, Jackson; and Matthew Louis Myers, Tobacco-Free Kids, Raymond C. Scheppach, National Governors Association, and Cheryl G. Heaton, American Legacy Foundation, all of Washington, D.C.

BUSINESS MEETING

Committee on Environment and Public Works: Committee ordered favorably reported the following business items:

S. 1072, to authorize funds for Federal-aid highways, highway safety programs, and transit programs, with an amendment in the nature of a substitute; and

The nomination of Rixio Enrique Medina, of Oklahoma, to be a Member of the Chemical Safety and Hazard Investigation Board.

BUSINESS MEETING

Committee on Finance: Committee ordered favorably reported the nominations of Michael O'Grady, of Maryland, and Jennifer Young, of Ohio, both to be an Assistant Secretary of Health and Human Services, and Bradley D. Belt, of the District of Columbia, to be a Member of the Social Security Advisory Board.

NOMINATION

Committee on Governmental Affairs: Committee concluded a hearing to examine the nomination of Scott J. Bloch, of Kansas, to be Special Counsel, Office of Special Counsel, after the nominee, who was introduced by Senator Brownback, testified and answered questions in his own behalf.

FEDERAL EMPLOYEE PROTECTION OF DISCLOSURES ACT

Committee on Governmental Affairs: Committee concluded a hearing to examine S. 1358, to amend

chapter 23 of title 5, United States Code, to clarify the disclosure of information protected from prohibited personnel practices, require a statement in non-disclosure policies, forms, and agreements that such policies, forms, and agreements conform with certain disclosure protections, provide certain authority for the Special Counsel, after receiving testimony from Senator Grassley; Peter Keisler, Assistant Attorney General, Civil Division, Department of Justice; and Elaine Kaplan, Bernabei and Katz, PLLC, Thomas Devine, Government Accountability Project, Stephen M. Kohn, National Whistleblower Center, and William L. Bransford, Shaw, Bransford, Veilleux and Roth, P.C., on behalf of the Senior Executives Association, all of Washington, D.C.

NOMINATIONS:

Committee on the Judiciary: Committee concluded a hearing to examine the nominations of Judith C. Herrera, to be United States District Judge for the District of New Mexico, who was introduced by Senators Domenici and Bingaman, F. Dennis Saylor IV, to be United States District Judge for the District of Massachusetts, who was introduced by Senator Kennedy, Sandra L. Townes, to be United States District Judge for the Eastern District of New York, who was introduced by Senator Schumer, and Domingo S. Herraiz, of Ohio, to be Director of the Bureau of Justice Assistance, Department of Justice, who was introduced by Senator DeWine, after the nominees testified and answered questions in their own behalf.

House of Representatives

Chamber Action

Measures Introduced: 2 public bills, H.R. 3485 and 3486; and 1 resolution, H. Con. Res. 324, were introduced.

Page H11149

Additional Cosponsors:

Page H11149

Reports Filed: Reports were filed today as follows:

H.R. 2886, to amend title 31, United States Code, to improve the financial accountability requirements applicable to the Department of Homeland Security, amended (H. Rept. 108-358, Pt. 1).

Pages H11148-49

Chaplain: The prayer was offered today by Most Rev. Anthony Sablan Apuron, Archbishop of Agaña in Guam.

Page H11147

Meeting Hour: Agreed that when the House adjourn today, it adjourn to meet at 2 p.m. on Friday, November 14, and further that when it adjourn on that day, it adjourn to meet at 12:30 p.m. on Monday, November 17 for morning-hour debate.

Page H11148

Calendar Wednesday: Agreed to dispense with the Calendar Wednesday business of Wednesday, November 19.

Page H11148

Presidential Message: Read a message from the President, received by the Clerk on November 12, notifying Congress of the continuation of the national emergency with respect to Iran—referred the Committee on International Relations and ordered to be printed (H. Doc. 108-141).

Page H11148

Senate Message: Message received from the Senate today appears on pages H11147–48.

Senate Referral: S. 1657 was referred to the Committee on Transportation and Infrastructure; S. 286 was ordered held at the desk. **Page H11148**

Adjournment: The House met at 2 p.m. and adjourned at 2:06 p.m.

Committee Meetings

No committee meetings were held.

NEW PUBLIC LAWS

(For last listing of Public Laws, see DAILY DIGEST, p. D1259)

H.R. 2691, making appropriations for the Department of the Interior and related agencies for the fiscal year ending September 30, 2004. Signed on November 10, 2003. (Public Law 108–108).

COMMITTEE MEETINGS FOR THURSDAY, NOVEMBER 13, 2003

(Committee meetings are open unless otherwise indicated)

Senate

Committee on Armed Services: to hold hearings to examine current Army issues, 9:30 a.m., SH–216.

Committee on Indian Affairs: business meeting to consider pending calendar business, 10 a.m., SR–485.

Committee on the Judiciary: business meeting to consider H.R. 1437, to improve the United States Code, S. Res. 253, to recognize the evolution and importance of motorsports, and the nominations of Henry W. Saad, of Michigan, to be United States Circuit Judge for the Sixth Circuit, Michael J. Garcia, of New York, to be an Assistant Secretary of Homeland Security, Claude A. Allen, of Virginia, to be United States Circuit Judge for the Fourth Circuit, James B. Comey, of New York, to be Deputy Attorney General, and Federico Lawrence Rocha, of California, to be United States Marshal for the Northern District of California, both of the Department of Justice, 9:30 a.m., SD–226.

Subcommittee on Immigration, Border Security and Citizenship, to hold hearings to examine state and local authority to enforce immigration law relating to terrorism, 2:30 p.m., SD–226.

House

Committee on Government Operations, Subcommittee on Human Rights and Wellness, hearing entitled “Preventing Another SV40 Tragedy: Are Today’s Vaccine Safety Protocols Effective?” 2 p.m., 2154 Rayburn.

Next Meeting of the SENATE

Wednesday, November 12

Next Meeting of the HOUSE OF REPRESENTATIVES

2 p.m., Friday, November 14

Senate Chamber

Program for Wednesday: Senate will continue to debate certain judicial nominations.

House Chamber

Program for Friday: The House will meet at 2 p.m. on Friday, November 14 in pro forma session.

Extensions of Remarks, as inserted in this issue

HOUSE

Baldwin, Tammy, Wisc., E2292
Bordallo, Madeleine Z., Guam, E2292
Paul, Ron, Tex., E2291
Ramstad, Jim, Minn., E2291
Schiff, Adam B., Calif., E2292
Sessions, Pete, Tex., E2291
Thomas, William M., Calif., E2291

(Senate proceedings for today will be continued in the next issue of the Record.)

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Congressional Record

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